

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAKE THE ROAD NEW YORK, AFRICAN SERVICES
COMMITTEE, ASIAN AMERICAN FEDERATION,
CATHOLIC CHARITIES COMMUNITY SERVICES
(ARCHDIOCESE OF NEW YORK), and CATHOLIC
LEGAL IMMIGRATION NETWORK, INC.,

Plaintiffs,

- against -

KEN CUCCINELLI, in his official capacity as Acting
Director of United States Citizenship and Immigration
Services; UNITED STATES CITIZENSHIP &
IMMIGRATION SERVICES; KEVIN K. McALEENAN,
in his official capacity as Acting Secretary of Homeland
Security; and UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

**DECLARATION OF ROBERT J. O'LOUGHLIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Robert J. O'Loughlin, declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am associated with the firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019-6064, counsel for Make the Road New York, African Services Committee, Asian American Federation, Catholic Charities Community Services (Archdiocese of New York), and Catholic Legal Immigration Network, Inc. I respectfully submit this declaration in support of Plaintiffs' Motion for a Preliminary Injunction.

2. For the convenience of the Court, I submit this declaration to attach copies of certain documents referred to in Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for a Preliminary Injunction filed herewith.

3. The table below lists the exhibits attached to this declaration. Each exhibit is a true and correct copy of the document described in the “Document Description” column. Certain exhibits have been excerpted due to length; plaintiffs will provide complete copies of these exhibits at the Court’s request.

Exhibit Number	Document Description
1	Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292 (Aug. 14, 2019) (to be codified at 8 C.F.R. pts. 103, 212, 213, 214, 245, 248)
2	Jacey Fortin, <i>‘Huddled Masses’ in Statue of Liberty Poem are European, Trump Official Says</i> , N.Y. Times (Aug. 14, 2019)
3	Marc Fisher, <i>Cuccinelli, a Righteous, Faith-Driven Warrior Who Delights in Provocation, Will Join Trump Administration</i> , The Washington Post (May 22, 2019)
4	Andrew Kaczynski, <i>Trump Official Has Talked About Undocumented Immigrants as ‘Invaders’ Since at Least 2007</i> , CNN Politics (Aug. 17, 2019)
5	Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 51,114, (proposed Oct. 10, 2018) (“NPRM”)
6	Immigration Act of 1882, 47th Cong. ch. 376, 22 Stat. 214
7	1891 Immigration Act, 51st Cong. ch. 551, 26 Stat. 1084
8	Excerpts from Immigration and Nationality Act of 1952, 82nd Cong. ch. 477, 66 Stat. 163
9	Excerpts from Senate Debate of Immigration Act of 1882, 13 Cong. Rec. 5109 (June 19, 1882)

10	Comment submitted to DHS in response to NPRM, Torrie Hester et al., (Oct. 25, 2018), retrieved from regulations.gov website on September 9, 2019
11	Dep't of Homeland Security, <i>Table 1. Persons Obtaining Lawful Permanent Resident Status: Fiscal Years 1820 to 2016</i> (Dec. 18, 2017), retrieved from DHS website on September 8, 2019
12	Excerpts from Immigration and Naturalization Service, <i>2001 Statistical Yearbook of the Immigration and Naturalization Service</i> (2003), retrieved from DHS website on September 8, 2019
13	Excerpts from Mae Ngai, <i>Impossible Subjects: Illegal Aliens and the Making of Modern America</i> (2004)
14	Medha D. Makhlouf, <i>The Public Charge Rule as Public Health Policy</i> , 16 Ind. Health L. Rev. 177 (2019)
15	Cybelle Fox, <i>Unauthorized Welfare: The Origins of Immigrant Status Restrictions in American Social Policy</i> , J. Am. Hist. 1051 (2016)
16	Excerpts from Report of the Committee on the Judiciary, S. Rep. No. 1515 (1950)
17	Excerpts from Staff of the H. Comm. on the Judiciary, 100th Cong., <i>Grounds for Exclusion of Aliens Under the Immigration and Nationality Act: Historical Background and Analysis</i> (Comm. Print 1988)
18	Excerpts from Personal Responsibility and Work Opportunity Reconciliation Act, Pub. L. 104-193, 110 Stat. 2105 (1996)
19	Excerpts from Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. 104-208, 110 Stat. 3009 (1996)
20	Comment submitted to DHS in response to NPRM, Center on Budget and Policy Priorities, (Dec. 7, 2018), retrieved from regulations.gov website on September 9, 2019

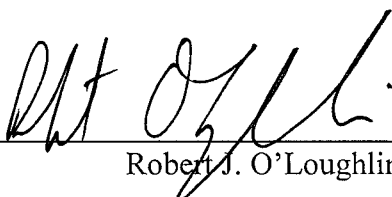
21	Excerpts from Immigration Control & Financial Responsibility Act of 1996, H.R. 2202, 104th Cong. (1996)
22	Excerpts from Senate Debate of Immigration Control & Financial Responsibility Act, 142 Cong. Rec. S4401 (1996)
23	Excerpts from Report of the Committee of the Judiciary, S. Rep. No. 104-249 (1996)
24	Excerpts from Senate Debate of Omnibus Consolidated Appropriations Act, 1997, 142 Cong. Rec. S11872 (1996)
25	Excerpts from Border Security, Economic Opportunity, and Immigration Modernization Act, S. Rep. No. 113-40 (2013)
26	Field Guidance on Deportability and Inadmissibility on Public Charge Grounds, 64 Fed. Reg. 28,689 (May 26, 1999)
27	Inadmissibility and Deportability on Public Charge Grounds, 64 Fed. Reg. 28,676 (proposed May 26, 1999) (to be codified at 8 C.F.R. pts. 212, 237)
28	Samantha Artiga et al., <i>Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid</i> , Kaiser Family Foundation (Oct. 2018)
29	Comment submitted to DHS in response to NPRM, Center for American Progress, (Dec. 10, 2018), retrieved from regulations.gov website on September 9, 2019
30	Danilo Trisi, <i>Trump Administration's Overbroad Public Charge Definition Could Deny Those Without Substantial Means a Chance to Come to or Stay in the U.S.</i> , Center on Budget and Policy Priorities (May 30, 2019)
31	Carly Goodman, <i>John Tanton has died. He made America less open to immigrants – and more open to Trump</i> , The Washington Post (July 18, 2019)

32	Center for Immigration Studies, <i>A Pen and A Phone</i> (Apr. 6, 2016), retrieved from CIS website on September 8, 2019
33	Andrew Bremberg, Memorandum for the President: Executive Order on Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility (Jan. 23, 2017), as posted on the Vox.com website
34	Emails between OMB Office of Information & Regulatory Affairs and other agencies (Mar. 29, 2018, Apr. 5, 2018, July 16, 2018, July 19, 2018, Sept. 4, 2018, Sept. 6, 2018), as posted on the ProPublica.com website
35	Emails between S. Miller, C. Symans, and F. Cissna (June 8, 2018), as posted on the Politico.com website
36	Homeland Security Technical Corrections Act of 2003, H.R. 1416, 108th Cong. (2003)
37	Comment submitted to DHS in response to NPRM, Center for Law and Social Policy (Dec. 7, 2018), retrieved from regulations.gov website on September 9, 2019
38	U.S. Citizenship and Immigration Service, <i>Declaration of Self-Sufficiency, Form I-944</i> (draft), retrieved from USCIS website on September 8, 2019
39	Ted Hesson, <i>Visa denials to poor Mexicans skyrocket under Trump's State Department</i> , Politico (Aug. 6, 2019)
40	Dara Lind, <i>A Leaked Trump Order Suggests He's Planning to Deport More Legal Immigrants for Using Social Services</i> , Vox (Jan. 31, 2017)
41	Mica Rosenberg, <i>Fewer family visas approved as Trump toughens vetting of immigrants – Reuters review</i> , Reuters (Jan. 4, 2018)
42	Francis Cissna, <i>Break the chain and lose the lottery – America deserves a better immigration system</i> , The Hill (Dec. 8, 2017)

43	DHS, Inadmissibility on Public Charge Grounds, Economic Analysis Supplemental Information for Analysis of Public Benefits Programs, retrieved from regulations.gov website on September 8, 2019
44	Excerpts from DHS, Regulatory Impact Analysis, Inadmissibility on Public Charge Grounds, retrieved from regulations.gov website on September 8, 2019
45	<i>E. Bay Sanctuary Covenant v. Barr</i> , No. 19-cv-4073, slip op. (N.D. Cal. Sept. 9, 2019) (Dkt. 73)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 9, 2019


Robert J. O'Loughlin